

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, March 2, 2010

Council Members Present: Jack Lynch (Mayor), Jack Boeding, (Vice Mayor), Elaine Morris, Craig Turco and Rick Downey

Staff Present: Richard Matranga, Gary Ghio, Dale Mendenhall, Melisa Ralston, David Hanham and Mary Kelly

4:00 P.M. CITY COUNCIL/PLANNING COMMISSION WORKSHOP

Review of California Planning Law as it relates to zoning & general plan land use compliance: Planning Director Dave Hanham presented a PowerPoint outlining the rezoning process.

5:30 CALL TO ORDER

ADJOURN TO CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL

Existing litigation – Jones vs. City of Angels Camp, Case #CV35497

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Exposure to litigation pursuant to subdivision (b) of Government Code Section 54959.9 (one case)

6:00 p.m. RECONVENE TO REGULAR MEETING

ACTION TAKEN IN CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Exposure to litigation pursuant to subdivision (b) of Government Code Section 54959.9 (one case)

Council Action: No legislative action was taken

CONFERENCE WITH LEGAL COUNSEL Existing litigation – Jones vs. City of Angels Camp, Case #CV35497

Council Action: No legislative action was taken

APPROVAL OF AGENDA

Agenda was approved by consensus

STAFF UPDATES

Dave Hanham – Planning Director

- The Angels Camp Master Plan and Trail project kickoff meeting will be March 3rd.
- Four more businesses are interested in the façade grant program. Applications are being looked at.

Dale Mendenhall – Police Chief

- Reviewed his report provided in packet

Gary Ghio – City Engineer

- Letter sent to Dept. of Public Health requesting rescinding of water treatment plant citation.
- The first and second ARRA reimbursement payments have been requested.

COUNCIL UPDATES

Council Member Boeding

- Attended LAFCO: reported that LAFCO financials are now handled through the City.

Council Member Turco

- Attended UPA Regional Coordination meeting with other water agencies.
- Attended Personnel/Finance: discussed the City purchasing policy, asking that staff and Council review and provide updates; recommended a preliminary budget workshop be scheduled to refine expense reporting.
- The City Administrator selection committee met and recommend the job advertisement be extended an additional month. This was agreed to by Council.

Direction: Craig to meet with Mary to revise job advertisement. Mary to advertise position for additional month.

Council Member Morris

- Attended UPA and Safety Services. At Safety Services the emergency plan was discussed. It will be updated to provide coordination between the City and emergency agencies such as The Red Cross.

Mayor Lynch

- Attended Facilities/Infrastructure. The Traffic Mitigation Plan to be reviewed by City Council and Planning Commission. Comments to be given to Planning Director.

PUBLIC COMMENT

There were no comments from the public.

CONSENT AGENDA

MOTION by Council Member Turco, seconded by Council Member Morris and carried 5-0 ADOPTING THE CONSENT AGENDA:

- a. Minutes of Regular meeting – February 16, 2010
- b. MOTION to pay bills

REGULAR AGENDA

1. BRAND IDENTITY FINAL APPROVAL – Anne Forrest, Brand Leadership Team

COUNCIL ACTION:

- a. MOTION by Council Member Boeding, Seconded by Council Member Downey and carried 5-0 APPROVING THE BRAND & IDENTITY STANDARDS MANUAL.
- b. MOTION by Council Member Boeding, Seconded by Council Member Downey and carried 5-0 APPROVING THE BRAND LEADERSHIP TEAM AS BRAND IDENTITY MANAGER
- c. MOTION by Council Member Boeding, Seconded by Council Member Downey and carried 3-2 with Council Members Morris and Turco voting ‘NO’ APPROVING THE RECOMMENDED CITY STATIONERY & BRANDING IMPLEMENTATION DATE OF APRIL 1, 2010

2. DEDICATION OF CARRIAGE HOUSE (recommendation from the Angels Camp Museum Commission and Museum Foundation) – Bob Petithomme, Museum Chair

MOTION by Council Member Turco, seconded by Council Member Boeding and carried 5-0 APPROVING A REQUEST FROM THE ANGELS CAMP MUSEUM AND MUSEUM FOUNDATION TO DEDICATE NAMING THE CARRIAGE HOUSE AT THE ANGELS CAMP MUSEUM IN HONOR OF EMILY STEMLER.

Direction: Mary to contact Emily’s grandson and inform him of Council decision.

Direction: Bob Petithomme to bring a written request to Council requesting funds to be used in dedication.

3. PAVEMENT MANAGEMENT PROPOSAL – Gary Ghio, City Engineer

MOTION by Council Member Morris, seconded by Council Member Downey and carried 5-0 APPROVING THE PROPOSAL FROM CHARLES R. LEITZELL TO INCORPORATE THE STREETS OF GREENHORN CREEK INTO THE CITY’S PAVEMENT MANAGEMENT SYSTEM.

4. **OBLIGATION OF USDA LOAN/GRANT FINANCING (recommended from Facilities/Infrastructure January meeting)** – Gary Ghio, City Engineer
MOTION by Council Member Boeding, seconded by Council Member Morris and carried 5-0 APPROVING SENDING A LETTER TO THE USDA ‘DE-OBLIGATING’ FINANCING IN THE AMOUNTS OF A \$3,000,000.00 LOAN AND \$1,000,000.00 GRANT APPROVED BY THE USDA TO THE CITY OF ANGELS FOR THE CITY’S WASTEWATER TREATMENT PLANT PHASE III IMPROVEMENTS.
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5. **APPROVE RESOLUTION FOR FUNCTIONAL CLASSIFICATION CHANGE** – Gary Ghio, City Engineer
MOTION by Council Member Turco, seconded by Council Member Downey and carried 5-0, ADOPTING RESOLUTION NO. 10-07. A RESOLUTION APPROVING THE SUBMITTAL OF A FUNCTIONAL CLASSIFICATION CHANGE FOR LOCAL STREETS AND ROADS TO THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION (WITH MODIFICATION OF RESOLUTION ATTACHMENT LISTING LOCAL ROADS)
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6. **CITY OF ANGELS WATER BID SERVICES & DESIGN PROPOSAL** – Gary Ghio, City Engineer
MOTION by Council Member Downey, seconded by Council Member Boeding and carried 5-0, APPROVING THE PROPOSAL FROM ECO:LOGIC FOR BID PERIOD TECHNICAL AND DESIGN SERVICES FOR THE WATER TREATMENT PLANT HEADWORKS & MISC. IMPROVEMENTS PROJECT
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7. **RECONSIDERATION OF PAYMENT TO ACBA FOR FISHING TOURNAMENTS** – Council Member Turco
Council Member Turco explained that the City was not receiving full details of where funds allocated to ACBA for New Melones fishing tournaments were going. When discussed at the Personnel/Finance meeting, it was found that funds approved for the current fiscal year were actually being spent on fishing tournaments in the next fiscal year. Currently ACBA gives a check to Melanie who then makes payment to the tournament organizers. He explained that in the future Melanie will request funding from the City, who will send payment directly to the tournament organizers, eliminating ACBA’s involvement. The Council agreed to a commitment of \$3,100 for funding of tournaments already arranged through the rest of 2010.
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8. **DISPOSAL AND DONATION OF SURPLUS WATER/WASTEWATER VEHICLES (recommendation from Facilities/Infrastructure)** – Garrett Walker, Water/Wastewater
MOTION by Council Member Turco, seconded by Council Member Downey and carried 5-0 APPROVING THE DONATION OF SURPLUS ATV AND GOLD CART TO CDF AND MARK TWAIN SCHOOL DISTRICT AND APPROVE DISPOSAL AT AUCTION OF TWO SURPLUS VEHICLES
Direction: Waiver of liability to be provided to parties accepting the vehicle donations. Waiver to be signed and returned to Clerk
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9. **ANGELS CAMP POLICE DEPARTMENT ANNUAL REPORT PRESENTATION** – Chief Mendenhall
Chief Mendenhall provided a PowerPoint presentation giving a breakdown of the police activities for 2009.
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10. **PUBLIC HEARING: AMENDMENT TO ZONING MAP** – Dave Hanham, Planning Director
The Planning Director gave a presentation of the proposed changes to the Zoning Map. He explained that the zoning changes are required to be consistent with the General Plan. Staff is recommending approval for the rezoning of 116 parcels. This item has been discussed at the Planning Commission where the recommendation is to rezone 114 parcels. Hanham explained that if the 116 parcels are rezoned, there would not be a need for an amendment to the General Plan. If the 114 parcels were approved, this leaves 2 parcels with zoning inconsistent with the General Plan, which would require an amendment.

7:55 p.m. Public Hearing Opened

Robert Lee – Box 521, Altaville

Mr. Lee explained that his property is currently zoned residential. If the zoning is changed to central commercial as recommended, this will prohibit him from doing any type of remodeling and/or building on his property. He asked the Council to rezone the 114 and leave his 2 parcels as they are. Mr. Lee had a conversation with City Administrator Tim Shearer in 2001 that left him with the impression that the lots would be left as is.

Michelle Lee – Angels Camp Resident

Explained that even if the parcels were rezoned commercial, nothing commercial would be built there. The road is too small to allow business access.

Gary Hinman

Stated that if the parcels are similar to the others around, why change them?

8:05 Public Hearing Closed

The Council asked staff to research with the County and City to see if there is any additional information regarding these parcels and continue item for discussion at future meeting.

Direction: Staff to do additional research and bring item back to Council for discussion at 3/16 Council meeting.

11. PUBLIC HEARING: ADOPT ORDINANCE #439 AMENDING TITLE 17, CHAPTER 17.09 OF THE ANGELS CAMP MUNICIPAL CODE – Dave Hanham, Planning Director

8:10 Public Hearing Opened

Stephanie Pryor – 1090 Bush Street

Asked for clarification of the wireless communication definition. Disagreed with the definition of Wireless Communication facility, Minor. She said she could make arguments, both pro and con on every bullet point in the definition to allow a Minor Communication Facility anywhere.

The Planning Director said that the ordinance is on the definitions, not the usage. The usage or where the facility could go is based on the zone districts. This ordinance only explains what a wireless communication facility is and what it might include.

Daryl Slocum

Stated that the impression given of the definition in the ordinance is that the antennas are to be built around tall structures/sites. Nowadays most cell sites are unobtrusive. Would like to put a cell site downtown and asked for a better understanding of the definitions so this might be possible.

Gary Croletto – PC Chair

Explained that when the Planning Commission discussed putting a cell site in the downtown area, a recommendation was made and areas were shown where antennas could go. The problem with being in a zoned R1 area was the apparatus that goes with the tower, the fans that cooled the apparatus and the temperatures the apparatus reached.

Hanham restated that the definitions are not regulating the use. The zone district regulates the use.

8:27 p.m. Public Hearing Closed

MOTION by Council Member Downey, seconded by Council Member Morris and carried 5-0 APPROVING THE ADOPTION OF ORDINANCE #439. AN ORDINANCE AMENDING TITLE 17 (ZONING), CHAPTER 17.09, (DEFINITIONS) OF THE ANGELS MUNICIPAL CODE INTRODUCED FEBRUARY 2, 2010

12. PUBLIC HEARING: ADOPT ORDINANCE #443 AMENDING TITLE 17, CHAPTER 17.12 OF THE ANGELS CAMP MUNICIPAL CODE – Dave Hanham, Planning Director

8:32 Public Hearing Opened

The Mayor asked if any public wished to comment on this item. There being none, the Public Hearing was closed.

8:33 Public Hearing Closed

MOTION by Council Member Turco, seconded by Council Member Boeding and carried 5-0 APPROVING THE ADOPTION OF ORDINANCE #443. AN AMENDING TITLE 17 (ZONING), CHAPTER 17.12, (ZONING DISTRICTS) OF THE ANGELS MUNICIPAL CODE INTRODUCED FEBRUARY 2, 2010

13. PUBLIC HEARING: ADOPT ORDINANCE #444 AMENDING TITLE 15, CHAPTER 15.12, SECTION 15.12.210 OF THE ANGELS CAMP MUNICIPAL CODE – Dave Hanham, Planning Director

Director

8:35 Public Hearing Opened

The Mayor asked if any public wished to comment on this item. There being none, the Public Hearing was closed.

8:36 Public Hearing Closed

MOTION by Council Member Morris, seconded by Council Member Turco and carried 5-0 APPROVING THE ADOPTION OF ORDINANCE #444. AN ORDINANCE AMENDING TITLE 15 (BUILDINGS & CONSTRUCTION), CHAPTER 15.12, (SIGNS & BILLBOARDS), SECTION 15.12.210 (TEMPORARY SIGNS) OF THE ANGELS MUNICIPAL CODE INTRODUCED FEBRUARY 2, 2010

14. PUBLIC HEARING: ADOPT ORDINANCE #445 AMENDING TITLE 2, CHAPTER 2.08 OF THE ANGELS CAMP MUNICIPAL CODE – Richard Matranga, City Attorney

The City Attorney suggested there be clarification in the wording of the amended ordinance in reference to performance evaluations (Section 2.08.070 Personnel) by the City Administrator and hiring/firing authorization. Council Member Turco to revise 'Personnel' section, provide Council a copy for review and ordinance to be brought back for adoption.

Direction: Craig to revise and send to Council and City Attorney to review. Item to be brought back to Council for adoption

MEETING ADJOURNED AT 8:45 P.M.

ATTEST:

Jack Lynch
Mayor

Mary Kelly
City Clerk